

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, Applicants will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 1, line 5, to amend the variety denomination of the plant from '08.01.17' to 'PKMp01'. As a result, the specification has been amended throughout to replace all occurrences of '08.01.17' with 'PKMp01'.

B. The specification has been amended at page 4, lines 14-16, to provide a description of the age of the 'PKMp01' plant as described in the photographic and detailed botanical description sections.

C. The specification has been amended at page 4, lines 7-11, to provide a corrected description of the four photographic drawings filed with the application on August 27, 2003.

D. The specification has been amended at page 4, lines 14-16, to provide a description of the growing conditions of 'PKMp01'.

E. The specification has been amended at page 4, line 5, to delete the recitation of the terms "more" and "actual".

F. The specification has been amended at page 4, line 7, to provide the RHS color designation of the roots of 'PKMp01'.

G. The specification has been amended at page 5, line 19, to clarify that the average number of lateral branches of 'PKMp01' is about 65-75.

H. The specification has been amended at page 6, line 4, to delete the recitation of the terms "dentate, cordate,".

I. The specification has been amended at page 6, line 11, to provide a petiole texture description of 'PKMp01'.

J. The specification has been amended at page 6, line 20, to provide a description of the average flower longevity of 'PKMp01'.

K. The specification has been amended at page 7, line 5, to clarify that the flower depth of 'PKMp01' is about 20 mm.

L. The specification has been amended at page 7, line 6, to clarify the flower petal lobe shape of 'PKMp01' by deleting the recitation of the term "acuminate".

M. The specification has been amended at page 7, line 14, to provide a description of the overall petal shape of 'PKMp01'.

N. The specification has been amended at page 7, line 5, to clarify the RHS color designation for both the upper and lower surfaces of the petals of 'PKMp01'.

O. The specification has been amended at page 7, lines 20, to provide a description of the sepal margin shape of 'PKMp01'.

P. The specification has been amended at page 8, line 6, to provide a description of the anther shape of 'PKMp01'.

Q. The specification has been amended at page 8, line 12, to provide a description of the average number of seeds per flower of 'PKMp01'.

R. The specification has been amended at page 12, to insert at line 13, a description for both disease or pest resistance and disease or pest susceptibility of 'PKMp01'.

In addition, the specification has been amended to change the title of the instant plant from '08.10.17' to --'PKMp01'--.

Due to the number of changes and/or corrections, Applicants hereby file a Substitute Specification containing no new matter. The Examiner is authorized to cancel the specification as filed in favor of the attached substitute specification.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Amendment and Request for Reconsideration
U.S. Appln. No. 10/648,304

Atty. Dkt. No. 034896-0103

Respectfully submitted,

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